

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 436 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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STATE OF GUJARAT

Versus

BHUPATBHAI KANTILAL ZAVERI

Appearance:

Mr.K.N.Rawal, ADDL. PUBLIC PROSECUTOR for Petitioner
SERVED for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 08/10/97

ORAL JUDGEMENT

It is obvious that if more than two breaches are found out during one visit and if they amount to an offence under the Factories Act, the Inspector may file a separate complaint for each of the offence and the learned JMFC cannot say that because two offences are brought to the notice of the factory Inspector during one visit, instead of incorporating both in one complaint, there being two separate complaints, earlier one being disposed of, the second one does not survive. Criminal Case No.437 of 1988 was disposed of on admission by learned JMFC, Jetpur, Dist. Rajkot and Cr.Case No.438/88 was dropped for the aforesaid reasons. This order, obviously, cannot be sustained. The learned Magistrate has failed to exercise jurisdiction vested in him.

In the result, the the Revision is allowed. The order is set aside. The matter shall stand revived on the file of the learned JMFC, Jetpur, Dist. Rajkot for being proceeded with in accordance with law. Rule is made

absolute.
